

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

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**JUL 14 2000**

**PATRICK FISHER**  
Clerk

INGRID FLORES-GONZALEZ,

Petitioner,

v.

IMMIGRATION &  
NATURALIZATION SERVICE,

Respondent.

No. 00-9520  
(BIA No. A70 963 102)  
(Petition for Review)

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**ORDER AND JUDGMENT\***

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Before **EBEL, KELLY, and BRISCOE**, Circuit Judges.

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This matter is before the court on petitioner's motion for stay pending a decision from this court on her petition for review of a final order of deportation. Before we address the merits of the stay motion, as a threshold matter we consider whether we have jurisdiction over the underlying petition for review.

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

*See Desktop Direct, Inc. v. Digital Equip. Corp.*, 993 F.2d 755, 756-57 (10th Cir. 1993), *aff'd on other grounds*, 511 U.S. 863 (1994).

The statute governing judicial review of orders of removal dictates that “[t]he petition for review must be filed not later than 30 days after the date of the final order of removal.” 8 U.S.C. § 1252(b)(1). The Board of Immigration Appeals (BIA) affirmed the Immigration Judge’s denial of asylum and withholding of removal on May 30, 2000. Petitioner filed her petition for review in this court on June 30, 2000, thirty-one days after the BIA entered the final order of deportation. Because the petition for review was filed out of time, we have no jurisdiction to consider the petition. *See Stajic v. INS*, 961 F.2d 403, 404 (2d Cir. 1992). Consequently, the stay motion must be denied.

The petition for review is DISMISSED, and the motion for stay is denied.

ENTERED FOR THE COURT  
PER CURIAM